

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

ARLENE PARKS,)
)
 Plaintiff,)
)
 v.) Case No. CIV-13-905-M
)
 PHILADELPHIA INDEMNITY)
 INSURANCE COMPANY,) Case No. CJ-2013-24 PC
) District Court of Kay County
 Defendant.)

NOTICE OF REMOVAL

1. Philadelphia Indemnity Insurance Company is a defendant in a civil brought against it in the District Court of Kay County, State of Oklahoma, titled *Arlene Parks v. Philadelphia Indemnity Insurance Company*, Case No. CJ-2013-24.

2. This civil action was initially filed on February 20, 2013. Pursuant to 28 U.S.C. § 1332(a)(1), Defendant Philadelphia Indemnity Insurance Company removes this action to the United States District Court for the Western District of Oklahoma, which is the judicial district in which the action is pending.

3. The Insurance Commissioner of the state of Oklahoma was served with Summons and a copy of the Petition on August 5, 2013, as designated agent for service of process of foreign insurance companies doing business in the state of Oklahoma, pursuant to 36 O.S. § 621(B). A true and correct copy of the Summons and Petition are attached hereto as Exhibits 1 and 2.

4. Plaintiff Parks was and is a resident of the state of Oklahoma. At the time of filing this action and at the present time, Defendant Philadelphia Indemnity Insurance Company was and is corporation incorporated in the state of Pennsylvania with its principle place of business in Pennsylvania.

5. Plaintiff's Petition seeks damages for an alleged breach of an insurance policy contract and related "bad faith" damages. Plaintiff's Petition states that "Plaintiff seeks judgment against the Defendant in an amount in excess of \$75,000.00, plus court costs, attorney fees, prejudgment interest, postjudgment interest, and what other further relief this Court deems equitable and just."

6. The amount in controversy exceeds the sum of \$75,000.00, and there is complete diversity of citizenship between Plaintiff and Defendant. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

7. This Notice of Removal is filed within thirty (30) days after service of the Petition on the Insurance Commission of the state of Oklahoma. Removal has thus been timely accomplished.

8. A copy of the docket sheet as maintained by the Oklahoma State Courts Network is attached hereto as Exhibit 3.

9. Written notice of the filing of this Notice of Removal will promptly be provided to Plaintiff's counsel and a copy of the Notice of Removal will be filed with the Clerk of the District Court of Kay County (Ponca City), State of Oklahoma, as provided by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Philadelphia Indemnity Insurance Company removes this action to this Court, invoking this Court's jurisdiction.

Respectfully submitted,

s/ Amy Steele Neathery
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Attorneys for Defendant

CERTIFICATE OF SERVICE

This is to certify that on this 23rd day of August, 2013, a true and correct copy of the above and foregoing document was mailed, with postage thereon fully prepaid, to the following counsel of record:

Scott R. Jackson
MARTIN JEAN & JACKSON
Post Office Drawer 1588
Ponca City, Oklahoma 74602

s/ Amy Steele Neathery
Amy Steele Neathery